?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 29.04.2019
*CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

+WP(MD)No.10799 of 2019

#P.Muthumalai
... Petitioner
vs.

$1.The Secretary
to Government of Tamil Nadu,
Finance (Pension) Department,
Secretariat, Chennai ? 600 009.

2.The General Manager,
United India Insurance Company Limited,
Cilingi Building,
No.134, Greams Road,
Chennai ? 600 006.

3.The Divisional Manager,
United India Insurance Company Limited,
PLA Rathina Towers 5th Floor,
212, Anna Salai,
Chennai ? 600 006.

4.The District Collector,
Tuiticorin District,
Tuticorin.

5.The District Treasury Officer,
District Treasury,
Tuiticorin. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 4th respondent in Na.Ka.K1/1231/2018 dated 01.03.2019 consequential order passed by the 5th respondent in Na.Ka.No.2827/2016 Ra3 dated Nil and quash the same insofar as the petitioner is concerned and consequently direct the respondents herein to reimburse the medical claim of Rs.4,40,000/~ together with interest at the rate of 7.5% p.a. thereon to him covered by the medical records and medical bills within a reasonable time as may be fixed by this Court.

!For Petitioner : Mr.S.Sankarapandian

^For Respondent : Mr.V.Anand,

Nos.1 and 4 Government Advocate
For Respondent : Mr.A.Shajahan
Nos.3 and 4

:ORDER
This writ petition has been filed to quash the order dated 01.03.2019 passed by the 4th respondent and the order passed vide Na.Ka.No.2827/2016/Ra3 dated Nil, to direct the respondents to disburse Rs.4,40,000/~ spent by the petitioner towards the treatment.

2.Heard the learned Counsel on either side. By Consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner, in brief, is as follows:
(i)The petitioner is a pensioner and he is also a subscriber to the Tamil Nadu New Health Insurance Scheme and he pays Rs.150/~as subscription every month.
(ii)The petitioner was admitted in Hannah Joseph Hospital, Madurai and he underwent surgery for backpain and he incurred expenditure to the tune of Rs.4,40,000/~ towards the same.

(iii)The grievance of the petitioner is that the proposal sent by him for medical reimbursement was rejected vide impugned orders, stating that the treatment was taken by him in a non network hospital. Challenging the same, this writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court passed orders in W.P(MD)No.9761 of 2013 (S.Vijaya Vs. The Additional Director, Tamil Nadu Health Scheme, Directorate of Medical and Rural Health Service Campus, New Building 2nd floor, Teynampet, Chennai and 2 others) on 09.12.2016, directing the respondents therein to consider the claim of the petitioner therein afresh. It would be useful to refer the operative portion of the order, which reads as follows:
?9.This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90 in the matter of Star Health and Allied Insurance Company Limited V. A.Chokkar and others and also yet another judgment of this Court in W.A(MD)No.859 of 2013 in the matter of State of Tamil Nadu V. Mary Thilagavathi and another.

10.As has been discussed above, the reasons cited by the 1st respondent in the impugned order are either non~est or cannot be considered as valid reasons for the rejection of the claim of the petitioner for medical reimbursement, hence, this Court is of the considered view that the impugned order is unsustainable and is liable to be quashed. Accordingly, the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and while doing reconsideration, the first respondent without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the third respondent, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected

by the respondents.?
Thus, the learned Counsel sought a similar order in this writ petition also, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

5.Following the above said decision, the impugned order dated 01.03.2019 passed by the 4th respondent in Na.Ka.K1/1231/2018 and the consequential order passed by the 5th respondent in Na.Ka.No.2827/2016 Ra3, dated Nil are hereby quashed and the matter is remitted back to the 4th respondent for reconsideration. While doing reconsideration, the 4th respondent, without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the Insurance Company, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above observation. No costs.

To

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